

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ARMANDO RODRIGUEZ,

Defendant.

CASE NO. 8:06CR61

MEMORANDUM AND ORDER

This matter is before the Court on the joint appeal (Filing No. 103) from the Magistrate Judge's order (Filing No. 102) denying the Defendant's motion to continue trial.

Pursuant to 28 U.S.C. § 636(b)(1)(A) and NECrimR 57.2, the Court has reviewed the order from which this appeal has been taken. In an appeal from a magistrate judge's order on a pretrial matter within 28 U.S.C. § 636(b)(1)(A), a district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); NECrimR 57.2(c).

The Court has carefully considered the matter, and Judge Gossett's order is not clearly erroneous or contrary to law. Moreover, the Court concurs with the reasoning of Magistrate Judge Gossett in his denial of the motion to continue the trial. Therefore, the appeal is denied.

IT IS ORDERED:

1. The joint appeal from the Magistrate Judge's Order (Filing No. 103) is denied;
- and

2. The Magistrate Judge's Order denying a continuance of trial (Filing No. 102) is affirmed.

DATED this 23rd day of June, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge